

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

August 27, 2002  
6:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Barrett, Chow, Mallory, Silver, Turner, Ways  
Absent: None

Item #WS1 – Presentation and discussion of FY2003 Budget Utility and Airport Fund Budgets.

No action required.

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Billy Barnett (Police), Julie Wyatt (Court) and Jerry Neighbors (Fire).

Councilmember Barrett emphasized support needed for the Senior Adult Services Golf Tournament.

The City Manager noted upcoming events: Council Work Sessions on August 29, 2002 and September 10, 2002.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the August 13, 2002, August 19, 2002 and August 20, 2002 Council meetings. (Approved)

Item #2b – Approval of a 9-1-1 billing agreement with Spruce Communications which has received a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Councilmember Turner moved to approve the above listed items. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R3 – **PUBLIC HEARING** and approval of a replat for Lot 1, Block A, of Sam's Club Addition, a site of 19.008 acres, located at 4150 Belt Line Road, on application from Cam's Club, Inc.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved to duly approve a replat for Lot 1, Block A, of Sam's Club Addition, a site of 19.008 acres located at 4150 Belt Line Road, on application from Sam's Club, Inc. subject to the following conditions:

1. Designation indicated on final plat.
2. The associated engineering plans for relocation of existing utilities in the area shall be approved by the Public Works Department prior to the issuance of a Certificate of Occupancy for the tire retailing center.
3. Revise plat to indicate property that was dedicated to the town.

Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R4 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-185 Specifications, located 3700-3800 Belt Line Road Road (K-Mart Center), on application from The Commons at Cliff Creek, L.T.D.

Councilmember Silver moved to duly pass Ordinance No. 002-029 approving a meritorious exception to Chapter 62, Signs, Section 62-185 Specifications, located 3700-3800 Belt Line Road Road (K-Mart Center), on application from The Commons at Cliff Creek, L.T.D. subject to staff's approval of the landscaping plans. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R5 – Consideration of a Resolution authorizing application from DART Local Assistance Program/Congestion Management System (LAP/CMS) Funds for FY2003 for transportation projects.

Councilmember Silver moved to duly pass Resolution No. R02-068 authorizing staff to make application for DART Local Assistance Program/Congestion Management System (LAP/CMS) Funds for FY2003 for transportation projects. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R6 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$271,361.52 with Texas Electric Utility Construction, Inc. for the Wright Brothers Drive and Wiley Post Road water line replacement.

Councilmember Turner moved to duly pass Resolution No. R02-069 authorizing the City Manager to enter into a contract in the amount of \$271,361.52 with Texas Electric Utility Construction, Inc. for the Wright Brothers Drive and Wiley Post Road water line replacement.

Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R7 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$73,917.50 with Linder Construction, Inc. for the Fire Station No. 1 drainage improvements.

Councilmember Turner moved to duly pass Resolution R02-070 authorizing the City Manager to enter into a contract in the amount of \$73,917.50 with Linder Construction, Inc. for the Fire Station No. 1 drainage improvements. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R8 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$37,261.90 with Business Interiors to remove and replace the existing carpet in the Conference Centre.

Councilmember Mallory moved to duly pass Resolution No. R02-071 authorizing the City Manager to enter into a contract in the amount of \$37,261.90 with Business Interiors to remove and replace the existing carpet in the Conference Centre. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R9 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$126,000.00 with Acoustic Technology, Inc. for the purchase and installation of an Outdoor Community Warning System, subject to the final review and approval of the City Attorney.

Councilmember Chow moved to duly pass Resolution No. R02-072 authorizing the City Manager to enter into a contract in an amount not to exceed \$126,000.00 with Acoustic

Technology, Inc. for the purchase and installation of an Outdoor Community Warning System, subject to the final review and approval of the City Attorney. Councilmember Ways seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R10 – Consideration of a Resolution authorizing the City Manager to enter into a contract with the firm of Weaver & Tidwell L.L.P. for the audit of the Town's financial records for the year ending September 30, 2002 with an option to audit the records for the fiscal years 2003 through 2006.

Councilmember Chow moved to duly pass Resolution No. R02-073 authorizing the City Manager to enter into a contract with the firm of Weaver & Tidwell L.L.P. for the audit of the Town's financial records for the year ending September 30, 2002 with an option to audit the records for the fiscal years 2003 through 2006, subject to approval of the City Attorney of the representative letter. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R11 – **PUBLIC HEARING** and **FIRST HEARING** of an Ordinance extending the term of Ordinance No. 783 of the Town granting a franchise to provide gas utility service within the Town to Lone Star Gas Company, predecessor in interest to TXU Gas distribution, a division of TXU Gas Company, such extension being until the earlier of (i) December 31, 2002, or (ii) such time as a new franchise ordinance regarding the provision of gas services within the Town by the said company is effective; providing for two readings of this ordinance; providing for final passage not earlier than thirty (30) days after the date of the first reading of this ordinance; providing an effective date thirty (30) days after the date of the final passage.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

No action required.

Item #R12 – Consideration of a Resolution authorizing the City Manager or his designee to execute an electric supply agreement pursuant to the contract to be signed by Cities Aggregation Power Project, Inc. for deliveries of electricity effective January 1, 2003.

Councilmember Mallory moved to duly pass Resolution No. R02-074 authorizing the City Manager or his designee to execute an electric supply agreement pursuant to the contract to be signed by Cities Aggregation Power Project, Inc. for deliveries of electricity effective January 1, 2003. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R13 – Consideration of an Ordinance amending Section 2-73 Reimbursement of Travel Expenses and Section 2-74 Entertainment Expenses of the Town of Addison Code of Ordinances.

Councilmember Silver moved to duly pass Ordinance No. 002-030 amending Section 2-73 Reimbursement of Travel Expenses and Section 2-74 Entertainment Expenses of the Town of Addison Code of Ordinances. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R14 – Presentation of the Quarterly Financial Report for the quarter ending June 30, 2002.

No action required.

**EXECUTIVE SESSION.** At 9:39 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following items:

Item #ES1 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase, counteroffer for or condemnation of a 0.9387 acre tract of land owned by Midway Centurion, LTD., et. al, from Lot 4, Surveyor Addition, (located generally at 15101 Midway Road) for permanent right-of-way.

Item #ES2 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase, counteroffer for or condemnation of a 0.2950 acre tract of land for permanent right-of-way and a 0.0187 acre tract of land for a temporary construction easement, from Lot 5, Surveyor Addition, Addison West Industrial Park (located generally at 4101 Centurion Way) from Bullough/Lykos Office Building No. 1, L.P., et al.

Item #ES3 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase, counteroffer for or condemnation of a 0.3664 acre tract of land for permanent right-of-way and a 0.0232 acre tract of land for a temporary construction easement from the David Myers Survey, Abstract No. 923, (located generally at 4125 Centurion Way), and owned by 4125 Centurion Way, L.P., et al.

Item #ES4 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase, counteroffer for or condemnation of a 0.6709 acre tract of land owned by Absolute Systems, LTD., from a portion of Lot 6, Surveyor Addition, (located generally at 4139 Centurion Way) for permanent right-of-way.

Item #ES5 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase, counteroffer for or condemnation of a 0.6430 acre tract of land owned by Motel 6 Operating, L.P. et al., from the Roadway Inn Addition, (located generally at 4301 Belt Line Road) for permanent right-of-way.

Item #ES6 - Closed (Executive) session of the City Council, pursuant to Section 551.072 of the Texas Government Code to deliberate the lease or value of certain real property owned by the Town and located at 4400 Belt Line Road, Addison, Texas.

The Council came out of Executive Session at 10:38 p.m.

Item #R15 – Consideration of a Resolution authorizing condemnation or other appropriate action for the acquisition of a 0.9387 acre tract of land owned by Midway Centurion, LTD., et al, for permanent right-of-way from Lot 4, Surveyor Addition (located generally at 15101 Midway Road).

Councilmember Silver moved to duly pass Resolution No. R02-075 authorizing condemnation or other appropriate action for the acquisition of a 0.9387 acre tract of land owned by Midway Centurion, LTD., et al, for permanent right-of-way from Lot 4, Surveyor Addition (located generally at 15101 Midway Road) and the acquisition of roadway easement. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R16 – Consideration of a Resolution authorizing condemnation for the acquisition of a 0.2950 acre tract of land owned by Bullough/Lykos Office Building No. 1, L.P., et al for permanent right-of-way and 0.0187 acre temporary construction easement from Lot 5, Surveyor Addition (located generally at 4101 Centurion Way).

Councilmember Mallory moved to duly pass Resolution No. R02-076 authorizing condemnation for the acquisition of a 0.2950 acre tract of land owned by Bullough/Lykos Office Building No. 1, L.P., et al for permanent right-of-way and 0.0187 acre temporary construction easement from Lot 5, Surveyor Addition (located generally at 4101 Centurion Way). Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R17 – Consideration of a Resolution authorizing condemnation for the acquisition of a 0.3664 acre tract of land owned by 4125 Centurion Way L.P., et al for permanent right-of-way and 0.0232 acre temporary construction easement from the David Myers Survey, Abstract No. 923 (located generally at 4125 Centurion Way).

Councilmember Barrett moved to duly pass Resolution No. R02-077 authorizing condemnation for the acquisition of a 0.3664 acre tract of land owned by 4125 Centurion Way L.P., et al for permanent right-of-way and 0.0232 acre temporary construction easement from the David Myers Survey, Abstract No. 923 (located generally at 4125 Centurion Way). Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R18 – Consideration of a Resolution authorizing condemnation for the acquisition of a 0.6709 acre tract of land owned by Absolute Systems, LTD., et al for permanent right-of-way from Lot 6, Surveyor Addition (located generally at 4139 Centurion Way).

Councilmember Turner moved to duly pass Resolution No. R02-078 authorizing condemnation for the acquisition of a 0.6709 acre tract of land owned by Absolute Systems, LTD., et al for permanent right-of-way from Lot 6, Surveyor Addition (located generally at 4139 Centurion Way). Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R19 – Consideration of a Resolution authorizing condemnation for the acquisition of a 0.6430 acre tract of land owned by Motel 6 Operating, L.P., et al for permanent right-of-way from Roadway Inn Addition (located generally at 4301 Belt Line Road).

Councilmember Barrett moved to duly pass Resolution No. R02-079 authorizing condemnation for the acquisition of a 0.6430 acre tract of land owned by Motel 6 Operating, L.P., et al for permanent right-of-way from Roadway Inn Addition (located generally at 4301 Belt Line Road). Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

Item #R20 – Consideration of a Resolution approving an Option Contract with Amar Unlimited, Inc. (dba Clay Pit Restaurant) granting Amar Unlimited, Inc. an option to enter into a Lease Agreement for a 5 year term with the Town for the lease of certain real property owned by the Town at 4400 Belt Line Road.

Councilmember Silver moved to duly pass Resolution No. R02-080 approving an Option Contract with Amar Unlimited, Inc. (dba Clay Pit Restaurant) granting Amar Unlimited, Inc.

an option to enter into a Lease Agreement for a 5 year term with the Town for the lease of certain real property owned by the Town at 4400 Belt Line Road, subject to City Manager finalizing certain aspects of the agreement. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways  
Voting Nay: None  
Absent: None

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary